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09/465,730	05/17/2000	CHARLES ERIC HUNTER	WT-4	9231

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[REDACTED] EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
**09/465,730**

Applicant(s)  
**Hunter et al.**

Examiner  
**Cuong H. Nguyen**

Art Unit  
**3625**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on 7/25/2002 (the IDS)

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-71 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-71 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20)  Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is the response to the Information Disclosure Statement that the USPTO received on 7/25/2002.
2. Claims 1-71 are pending in this application.

**Drawings**

3. This application has been filed with 12 pages of drawings, and they have been used for examining purposes.

***Information Disclosure Statement***

The information disclosure statement filed 7/25/2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Appropriate correction is required.

***Claim Rejections - 35 USC §101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requires of this title.

4. Claims 8-9, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A. Claimed invention must be within the "technological arts"  
(see **Ex parte Bowman [BPAI] 61 USPQ2d 1669**).

The invention as recited in the claims is merely an abstract idea that is not within the technological arts. Mere abstract ideas that do not apply, and advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter.

B. The claims 8-9 contain abstract ideas in merchandising products claims.

The body of these claims must unambiguously recite that a client-server/a computer/an Internet system is integrally involved in claimed merchandising process.

#### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Re. To claim 6: This claim is about a merchandising method, it has an error in "..., said merchandising system comprising:"

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. In the preliminary amendment, the applicant said "new claims 8-71 have been added to more fully claim the subject matter disclosed in the present application"; the examiner submits that upon interpretations of these claims, they merely contain old and well-known features in computer-related communications.

Further, at least some claims "broader" submitted subject-matter because they are not directed to "electronic billboard" but a bigger concept of computerized transactions that are not narrow within "electronic billboard" applications.

In US PATENT NO. 6,430,605, in Detailed Description Text portion (para. 26), the main inventor (**Hunter**) admits that:

"While advertising scheduling and purchasing may take place as described above where customers directly purchase time from available slots according to a fixed fee schedule, it will be appreciated that alternative modes may be used. For example, an auction system such as introduced by eBay Corporation may be used where all previously purchased slots and all unsold slots are auctioned through a bid process (a "total" auction). Additionally, a limited auction may be utilized where time may be purchased and booked for a set price, but all time not purchased at the set price becomes available through auction at a fixed time before the run time, for example, one

month before run time. As another alternative for a portion of the available time slots, a high usage customer may establish a monthly advertising budget with the system operator that authorizes the operator to select the time slots for display of the customer's advertisements at "best available rate" pricing, taking advantage of last minute availability of time slots and other time slot placement techniques that enable the operator to more completely utilize the network. This or similar time slot placement practices when used for a portion of the available time slots may be implemented by a software package that takes into account the needs of both the customer and the system operator".

And in claims 36-37, 57-58 of **Hunter's** patent, auction already discussed by admission:

"36. The system of claim 18, further including auction sub-system for enabling previously purchased time slots and all unsold time slots to be auctioned through a bid process.

37. The system of claim 36, wherein said auction sub-system enables the purchase of time slots for a set price, and all time not purchased at the set price becomes available through said auction sub-system at a fixed time before the run time.

57. The method of claim 51, further including the step of auctioning previously purchased time slots and all unsold time slots through a bid process.

58. The system of claim 57, wherein said auctioning step includes: enabling the purchase of time slots for a set price, and enabling all time slots not purchased at the set price to become available through said auction sub-system at a fixed time before the run time" .

In other words, a combination of billboard advertising/merchandising with **eBay.com, Inc.** practices already been disclosed (by admission), (please note that there is no claim of priority with US Pat. 6,430,605 of **Hunter**) .

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-71 are rejected under 35 U.S.C. § 103(a) as being unpatentable over **Hunter** (US Pat. 6,430,605), in view of **eBay.com, Inc**, and further in view of the **Official Notice**.

7.1. Ref. To claim 1: **Hunter** discloses a merchandising system permitting participating merchants to place video or still-image advertisements at selected times and locations on a network of multiple electronic billboard displays, and permitting customers of the merchants to respond to the advertisements by directly placing orders for advertised products through an order processing system, (see **Hunter**, in Detailed Description Text portion (para. 4):

"A customer of system 20, for example an in-house or agency representative of a consumer products company, may access a central information processing station of the system via the Internet through a customer Interface Web Server 40. The customer interface web server has a commerce engine and permits the customer to obtain and enter security code and billing code information into a Network Security Router/Access module 50. Alternatively, high usage customers of the system may utilize a customer interface comprising a high speed dedicated connection to module 50. Following access, the customer reviews options concerning his order by reviewing available advertising

time/locations through a Review Schedule and Purchase Time module 60 that permits the customer to see what time is available on any display throughout the world and thereafter schedule and purchase the desired advertising time slot. Next, the customer transmits the advertising content on-line through the Internet, a direct phone line or a high speed connection (for example, ISDN, or other suitable high speed information transfer line) for receipt by the system's Video & Still Image Review and Input module 70. In parallel, the system operator may provide public service announcements and other content to module 70. All content, whether still image or video, is formatted in NTSC, PAL, SECAM, YUV, YC, VGA or other suitable formats. In a preferred embodiment, the format is VGA, while all other formats, including but not limited to NTSC, PAL and SECAM, can be run through the video converter 110.") said merchandising system comprising:

- a network including a plurality of electronic billboard displays (see also **Loban** (US Pat. 5,612,741), "...With additional reference to FIGS. 2 and 3, the masts 14 and/or 16 can also enclose a suitable receiver electronics package which is generally designated by the reference numeral 18. The receiver electronics package 18 includes a communications link 20 that communicates wirelessly via antenna 22 with a transmitter in the form of a master computer 24 via antenna 26.");
- means permitting participating merchants to place video or still-image advertisements at selected times on selected ones of the network's electronic billboard displays (see also **Loban** et al., "A video billboard 10 includes one or more projection units 12 utilizing a liquid crystal light valve projector 32 to project images onto a lenticulated lens screen 34. The types of images to be displayed, along with the time of day in which the images are to be displayed, are controlled from a remote master transmitter 24. A plurality of projection units 12(a-d) can be mounted together to provide an enlarged image display area".

And in Brief Summary Text portion (para. 5), **Loban** also discloses:

"Billboards are used to display various messages typically consisting of a combination of text and graphics. Traditionally, the message has been provided by way of fixed sheets which are

pasted to a backing. This traditional approach suffers from the inability to quickly change the displayed message since it requires the use of a crew to change the message. Electronic billboards provide the advantage in that it is easier to change the displayed message. The Department of Transportation Management Systems have introduced a relatively new fiber optic message signs. Other electronic billboards include the dot matrix type utilizing many individual bulbs. Within stadiums, arenas and auditoriums there presently are electronic dot matrix display devices used for instant replays, advertising and customer information."); the advertisements on the displays including a unique product order number for each product offered for sale by the participating merchants (see Hunter, claims 7, 16 and "Turning now to point of purchase advertising, it is well known that various retail stores such as department stores, fast food restaurants, building supply stores, and the like, utilize point of purchase displays to inform customers of product specifications and pricing and to promote periodic special value or "sale" items." ); and

- an order processing system that permits customers to order products from the array of products offered by the participating merchants on the electronic billboard display advertisements, said order processing system including a customer interface for receiving incoming orders from customers ordering products by reference to the displayed product order numbers, means for matching each incoming product order to the customer placing the order, the product ordered and the participating merchant offering the product, and means for communicating sufficient

customer and product information to the participating merchant so that the merchant can fulfill the order.

Please note that **Moore** (US Pat. 5,729,214) also discloses: in Brief Summary Text portion (para. 8):

"In the quest for a less labor intensive method of changing a lighted display's message, there have been developed programmable displays capable of storing and displaying one of several possible messages. U.S. Pat. No. 4,298,869 to Okuno describes such a programmable display comprising a sign equipped with light-emitting diode (LED) lamps for displaying information with respect to place-name, weather condition and occurrence of accident and/or traffic jam. Besides permitting a number of different messages to be displayed, LED-based programmable signs further provide visibility of the message at night without the need for provision of an external light. LED-based programmable signs have become fairly commonplace along many major highways (e.g. coupled with a speed sensor to display to a driver his or her excessive speed) and have even been proposed to replace traditional bill boards".

And in Brief Summary Text portion (para. 13), **Moore** discloses:

"It is believed that wireless digital transmissions have heretofore not been applied to the remote control of programmable display mediums, such as signs and billboards. Such transmission method offers many advantages for such control systems, not only in the reduction of noise in the signal received by the display medium, by also in permitting improved re-programming of the messages to be displayed on a plurality of display mediums."

The examiner submits that **eBay.com, Inc.** practiced the following features of claim 1:

- the advertisements on the displays including a unique product order number for each product offered for sale by the participating merchants; and

- an order processing system that permits customers to order products from the array of products offered by the participating merchants on the electronic billboard display advertisements, said order processing system including a customer interface for receiving incoming orders from customers ordering products by reference to the displayed product order numbers, means for matching each incoming product order to the customer placing the order, the product ordered and the participating merchant offering the product, and means for communicating sufficient customer and product information to the participating merchant so that the merchant can fulfill the order.

It would have been obvious to one with ordinary skill in the art to implement **Hunter's** patent with **eBay.com, Inc.** practices because skilled artisan would recognized that ordering a product is the purpose of advertising actions of **Hunter** (by admission in US Pat. 6,430,605).

7.2. The **Official Notices** are taken here that the following underlined features were known, and have practiced prior to this pending application's priority date:

7.3. Ref. To claim 2: - using a processing station to which merchants transmit their advertising/selling content routing the advertising content for display at the merchant-selected electronic billboard displays (e.g., **Hunter** or **eBay.com, Inc**).

7.4. Ref. To claim 3: - an interface for receiving incoming orders from customers comprises a telephone interface including automated customer identification means (it merely an I/O interface of a computer system; and using a telephone for communication is not inventive, e.g., see **Hunter** or **eBay.com, Inc**).

7.5. Ref. To claim 4: - a customer identification means is selected from a group consisting of call no. ID, and voice recognition.

The Official Notice is taken that these features of using these caller-ID, and voice-recognizing features in telephone technology that were available before this application's filing date (for recognizing/logging of ordering numbers).

It would have been obvious to one with ordinary skill in the art to apply speech-recognizable and "location" functions to receiving means that are within available technology because the application of speech recognition and caller ID have been recognized by skilled artisan as an easy and quick source for verification. It would give a transaction process fast, efficient, and economic solutions.

7.6. Ref. To claim 5: The Official Notice is taken that using GPS for finding/establishing a corresponding location is old and well-known for many applications.

Therefore, claiming a system wherein a customer using a GPS and said order processing system employs GPS means for determining the location of customers during the customers' placement of orders is obvious (e.g., see **Rhoads**, US PATENT NO. 6,311,214, in Detailed Description Text portion (para. 127): "In accordance with a related embodiment, the database record corresponding to Bedoop business card data can include a "now" telephone number field. This field can be continually-updated throughout the day with the then-most-suitable communications channel to the card-giver. When the card-giver leaves home to go to the office, or leaves the office for a trip in the car, or works a week at a corporate office in another town, etc., this data field can be updated accordingly. (A pocket GPS receiver, with a wireless uplink, can be carried by the person to aid in switching the "now" number among various known possibilities depending on the person's instantaneous position.) When this database record is polled for the "now" number, it provides the then-current information.").

8. Ref. To claim 9: **Hunter** discloses that a content is still image content.

9. Ref. To claim 10: **Hunter** discloses that a content is video image content.

10. Ref. To claim 11: **Hunter** discloses that a content is displayed for a predetermined period.

11. Ref. To claim 12: **Hunter** discloses a step of transmitting the content to the plurality of locations.

12. Ref. To claim 13: **Hunter** discloses a step of transmitting a content to plurality of locations by a means selected from a

group consisting of high speed cable, Internet, high speed optical fiber .etc., and a physical delivery of the product and product information stored on a physical medium.

13. Ref. To claim 14: **Hunter** suggests a step of converting a format of a content into a single format for display.

14. Ref. To claim 15: **Hunter** suggests a step of reviewing content prior to display for appropriateness.

15. Ref. To claim 16: **Hunter** suggests a step of verifying the displaying of the content.

16. Ref. To claim 17: **Hunter** discloses a step of verifying comprises capturing image and time data of the display of the content (e.g., see **Hunter**, US Pat. 6,430,603, in Brief Summary Text portion (para. 8):

“According to the present invention, commercial advertisers, such as consumer product companies and the advertising agents that represent them, directly access a network of multiple large, high resolution electronic displays located in high traffic areas and directly send their own advertisements electronically to the network to be displayed at locations and times selected by the advertisers. In preferred embodiments, the system of the invention includes a central information processing center that permits customers to review a schedule of times and electronic display locations that are available for placement of advertisements, and also permits customers to purchase available times at selected electronic display locations for placement of their advertising content. The customer then transmits his video or still image advertising content to the processing center where the content is reviewed for appropriateness and then transmitted to the customer-selected electronic display(s). The electronic displays preferably are large (e.g., 23.times.33 1/2 ft.) flat LED displays that are driven by their own video or image servers. Verification that the advertisements run as ordered is facilitated by an information storage module or, more preferably, by a digital camera or series of digital cameras.”).

17. Ref. To claim 18: **Hunter** or **eBay.com, Inc.** suggests a step of detecting customer traffics.

18. Ref. To claim 19: **Hunter** or **eBay.com, Inc.** suggests a step of generating a market analysis report from the detection of traffic.

19. Ref. To claim 20: **eBay.com, Inc.** practices a step of billing a seller/merchant for merchandising a product.

20. Ref. To claim 21: **eBay.com, Inc.** practices a step of transmitting billing information to a merchant.

21. Ref. To claim 22: **Hunter** discloses a step of detecting defective pixels in a display (by evaluating/calibrating pixels in billboards).

22. Ref. To claim 23: **Hunter** discloses a step of calibrating defective pixels in billboards.

23. Ref. To claim 24: The Official Notice is taken that digital monitor has a capability of splitting a display screen into two portions and displaying a content on less than the at least two portions; therefore, this capability could apply for big screens.

24. Ref. To claim 25: The Official Notice is taken that digital monitor has a capability of displaying unrelated content on the other of the at least two portions (e.g., digital TV, web TV .etc.; therefore, this capability could apply for big screens).

25. Ref. To claim 26: The Official Notice is taken that unrelated content could be image data of a current/live event (e.g., CNN news, headline news could be shown on big digital screens).

26. Ref. To claim 27: **Hunter** suggests a step of communicating availability of display locations and time to the merchant (a feature of management available resources).

27. Ref. To claim 28: **Hunter** suggests a step of purchasing the display of content for predetermined locations and time according to a fixed schedule (a feature of management available resources).

28. Ref. To claim 29: **Hunter** suggests a step of purchasing the display of content for predetermined locations and time according to a bidding process (see also **Davis**, US Pat. 6,269,361 "bidding for placements").

29. Ref. To claim 30: **eBay.com, Inc.** practices a step of having product ordering number indicates both a product and the merchant offering the product (e.g., an HP LaserJet II printer by Hewlett-Packard).

30. Ref. To claim 31: **eBay.com, Inc.** practices a step of transmitting the product ordering number to a remote location, different from display and customer locations (e.g., transmitting to sellers at remote locations).

31. Ref. To claim 32: eBay.com, Inc. practices a step of transmitting the product ordering number over a telephone line (e.g., using a telephone line through modem connecting to a telephone outlet).

32. Ref. To claim 33: eBay.com, Inc. practices a step of entering a product ordering number on a keypad/keyboard (note: the conversion process would be analogous for a telephone keypad or a computer keyboard).

33. Ref. To claim 35: eBay.com, Inc. practices a step of creating a database of customers having corresponding customer information.

34. Ref. To claim 36: eBay.com, Inc. practices a step of prompting a customer for the customer information if the customer is a new customer.

35. Ref. To claim 37: eBay.com, Inc. practices a step of automatically determined a customer's identity from customer information (e.g., by email address, or password, or names).

36. Ref. To claim 38: eBay.com, Inc. practices a step of "matching" customer information (e.g., comparing a recognized customer telephone number (by Caller ID) with a telephone number in the customer information (or in database)).

37. Ref. To claim 40: eBay.com, Inc. practices a step of customer manually enters data to establish his or her identity (e.g., for a registration session).

38. Ref. To claim 41: eBay.com, Inc. practices a step of prompting a customer for a product order number after the customer has been identified (e.g., a browsing/searching session).

39. Ref. To claim 42: eBay.com, Inc. practices a step of confirming a receipt of the product ordering number from the customer (e.g., by email communications).

40. Ref. To claim 43: eBay.com, Inc. practices a step of communicating ordering options to the customer after receipt of the product ordering number (e.g., how many items/shipping and delivery means .etc.).

41. Ref. To claim 44: eBay.com, Inc. practices a step of matching comprises creating a database of sellers/merchants each sellers/merchants in the database having corresponding sellers/merchants information, including product(s) offered.

42. Ref. To claim 45: eBay.com, Inc. practices a step of updating database of sellers/merchants periodically (for management).

43. Ref. To claim 46: eBay.com, Inc. practices a step of transmitting updated merchant information from the sellers/merchants to the sellers/merchants database (for management).

44. Ref. To claim 47: eBay.com, Inc. practices a step of indicating a customer and product ordering number to a seller/merchant.

45. Ref. To claim 48: eBay.com, Inc. practices a step of indicating a customer and product ordering number over a telephone line (e.g., through modem connecting to a telephone outlet).

46. Ref. To claim 49: eBay.com, Inc. practices that a merchant confirming receipt of a customer and product ordering number to the customer (e.g., by email communications).

47. Ref. To claim 50: eBay.com, Inc. practices a step of transmitting confirming information to a customer (e.g., by email communications).

48. Ref. To claim 51: eBay.com, Inc. practices a step of transmitted to a customer by e-mail.

49. Ref. To claim 52: eBay.com, Inc. practices a step of verifying customer credit card information to a merchant (i.e., using PayPal feature).

50. Ref. To claim 53: eBay.com, Inc. uses PayPal feature to know whether a customer has credit available on a credit card to purchase a product ordered.

51. Ref. To claim 54: eBay.com, Inc. teaches that a product is a goods.

52. Ref. To claim 55: eBay.com, Inc. teaches that a product could be a service (e.g., a flight service to transport to different places, a cell-phone contract .etc.).

53. Ref. To claim 56: eBay.com, Inc. teaches that a product is product literature (e.g., a specific book).

54. Ref. To claim 57: eBay.com, Inc. suggests that a product information includes a product literature ordering number (e.g., a specific book), the examiner submits the following steps are within eBay.com, Inc. capability, comprising:

- identifying a customer who wishes to order product literature for a product; receiving the product literature ordering number from the customer; matching the product literature ordering number to a corresponding merchant;
- communicating the customer and product literature ordering number to the merchant.

55. Ref. To claim 58: eBay.com, Inc. practices a step of sending a product literature from a seller/merchant to a buyer/customer.

56. Ref. To claim 59: eBay.com, Inc. practices a step of creating a customer database (loggings) having entries of customers and corresponding customer information, the customer information including at least a preference for sending emails/(product literature).

57. Ref. To claim 60: eBay.com, Inc. practices a step of

shipping a product from a seller/merchant to a customer.

58. Ref. To claim 61: eBay.com, Inc. practices a step of

communicating shipping information to a customer after receipt  
of the product ordering number.

59. Ref. To claim 62: eBay.com, Inc. practices a step of

verifying of shipping information from a buyer (e.g., verifying  
delivery address).

60. Ref. To claim 63: The Official Notice is taken that

receiving of a product ordering number from a customer is by  
telephone and the verifying comprises pressing a button of a  
keypad of the telephone. Note that using a telephone for  
communications and using a telephone keypad for verifying were  
old and well-known before computerized ages.

61. Ref. To claim 65: eBay.com Inc. or amazon.com Inc.

practices of generating a database having product entries and  
product shipping information corresponding to the product  
entries, selecting shipping options based on the product  
shipping information and communicating the shipping options to  
the customer (e.g., whether shipping via UPS or FedEx, and email  
shipping info. to a customer).

62. Ref. To claim 66: eBay.com, Inc. practices a step of

verifying product availability to a customer (e.g., by doing an  
inventory browsing from a database).

63. Ref. To claim 67: eBay.com, Inc. practices a step of verifying of a product availability comprises:

- linking to an inventory database of a merchant;
- determining if the ordered product is available in the inventory of the merchant; and communicating the availability to the customer (e.g., a customer wants to buy 2 items of Yamaha computer speakers, and a seller only has 1 Yamaha computer speaker).

It would have been obvious to one with ordinary skill in the art to implement Hunter's invention with eBay.com, Inc. practices in bidding/selling products online, because skilled artisan would recognized that it's always good to know availability of a product from a seller before ordering a product.

64. Ref. To claim 68: The Official Notice is taken that the use of a telephone line and exchanging information could be done with a spoken message to a customer.

One with ordinary skill in the art would ascertain essential characteristics of cited references and the Official Notice, would make modifications of cited references to adapt a subject matter of facilitating transactions by providing information to various specific parties within available Internet environment because the use of Internet has been recognized by skilled artisan as an easy and quick source for

solving matters of merchandising products. It would give a transaction process fast, efficient, and economic solutions.

65. Claims 34, 39, 64, 69 are rejected with the same rationale and references as claim 4 because they contain analogous features.

66. Claims 7, 70 is rejected with the same rationale and references as claim 5 because it contains analogous features.

67. Claims 6, 8, 71 are rejected with the same rationale and references as claim 1 because they contain analogous features.

### ***Conclusion***

68. Claims 1-71 are not patentable.

69. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cuong H. Nguyen whose telephone number is 703-305-4553. The examiner can normally be reached on Mon.-Fri. from 7:15 AM to 3:15 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins, can be reached on (703) 308-1344.

Any response to this action should be mailed to:

Amendments

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

or faxed to:

(703) 305-7687 [Official communications]

or 703-746-5572 (RightFax)

Hand delivered responses should be brought to Crystal Park  
5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist with  
telephone: (703) 308-1113.

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Mar. 09, 2003